



J.F.W

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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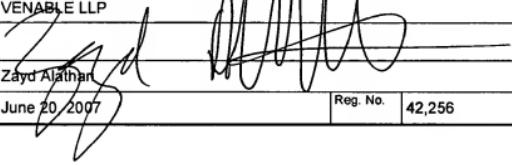
Total Number of Pages in This Submission

Application Number	10/827,297- Conf. #2570
Filing Date	April 20, 2004
First Named Inventor	Michael B. Zemel
Art Unit	1616
Examiner Name	E.J. Webman
Total Number of Pages in This Submission	31894-199298

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement, PTO/SB/08A and 5 documents	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	VENABLE LLP		
Signature			
Printed name	Zayd Alathari		
Date	June 20, 2007	Reg. No.	42,256

DC1/241309

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.F./



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Effectiva on 12/08/2004.
U.S. PATENT AND TRADEMARK OFFICE
Consolidated Appropriations Act, 2005 (H.R. 4818).**FEET TRANSMITTAL**

For FY 2006

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 0.00**Complete if Known**

Application Number	10/827,297 - Conf. #2570
Filing Date	April 20, 2004
First Named Inventor	Michael B. Zemel
Examiner Name	E.J. Webman
Art Unit	1616
Attorney Docket No.	31894-199298

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 22-0261	Deposit Account Name: Venable LLP		

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input type="checkbox"/> Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues) _____ 50 25

Each independent claim over 3 (including Reissues) _____ 200 100

Multiple dependent claims _____ 360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 34 =	x	=	=	_____	_____
HP = highest number of total claims paid for, if greater than 20.					

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 6 =	x	=	=	_____	_____
HP = highest number of independent claims paid for, if greater than 3.					

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x	=	=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY		Registration No. (Attorney/Agent)	42,256	Telephone (202) 344-8164
Signature				Date June 20, 2007

DC1/241310

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.F./



Docket No.: 31894-199298
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Zemel et al.

Art Unit: 1616

Application No: 10/827,297

Examiner: E. J. WEBMAN

Confirmation No: 2570

Filed: April 20, 2004

Atty. Docket No: 31894-199298

For: DIETARY PLANS BASED ON CALCIUM

Customer No:

26694

26694

PATENT TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT (IDS)

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the first office action (37 CFR 1.97(b)(3)). Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.F./

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

We believe that no fees are required with the submission of this IDS. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 31894-199298.

Dated: June 20, 2005

DC1/241105

Respectfully submitted,

By

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JUN 20 2007

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/827,297
(Use as many sheets as necessary)		Filing Date	April 20, 2004
		First Named Inventor	Michael ZEMEL
		Art Unit	1617
		Examiner Name	Not Yet Assigned
Sheet	1	of	1
		Attorney Docket Number	31894-199298

U.S. PATENT DOCUMENTS

Examiner Initials*		Document Number Number-Kind Code ³ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS

FOREIGN DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kinds of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached.

NON-PATENT LITERATURE DOCUMENTS

NON-PATENT LITERATURE DOCUMENTS		
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date (page(s), volume-issue number(s), publisher, city and/or country where published.
	CA	BURRINGTON, Kimberlee J., "Food Product: Dairy Ingredients for Health," [October 1999] <http://www.karlfloren.com/Diabetes/delmiilk.htm> [11/20/2001], pages 1 of 17
	CB	LIN, YI-Chin, et al., "Dairy Calcium is Related to Change in Body Composition During a Two-Year Exercise Intervention in Young Women," Journal of the American College of Nutrition, Vol. 19, No. 6, 754-760 (2000), pages 754-760
	CC	DAVIES, K. Michael, "Calcium Intake and Body Weight," The Journal of Clinical Endocrinology & Metabolism, Volume 85, Number 12, December 2000, pages 4635-4638
	CD	CARRUTH, BR and SKINNER, JD, "The Role of Dietary Calcium and Other Nutrients in Moderating Body Fat in Preschool Children," International Journal of Obesity, Volume 25, Number 4, April 2001, pages 559-566
	CE	ZEMEL, Michael B., "Dairy Calcium and Protein Diets Accelerate Weight and Fat Loss During Energy Restriction in Obese Adults," American Journal of Clinical Nutrition, J2000;71(5):sunol342s

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.
DC1/242518

Examiner Signature	/Abigail Fisher/	Date Considered	07/30/2008
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